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Here's How the Supreme Court Already Repealed the Second Amendment

By Mark Overstreet

[Contrary to popular belief] *District of Columbia v. Heller* (2008) repealed the Second Amendment.

Heller asked the court to decide whether Washington DC's bans on handguns, having a loaded firearm at home, and carrying a firearm at home without a permit violated the Second Amendment.

The court correctly ruled that the first two bans were unconstitutional. It also said if DC required a permit to carry a gun at home, it had to issue permits to qualified applicants. But, the court added, "[w]e may as well consider at this point . . . what types of weapons [the Court's decision in *U.S. v. Miller* (1939)] permits."

Miller asked whether the National Firearms Act of 1934 violated the Second Amendment by requiring that a short-barreled shotgun be registered with the federal government.

The court concluded, "[i]n the absence of any evidence tending to show that possession and use of a [short-barreled shotgun] at this time has some reasonable relationship to the preservation or efficiency of a well regulated militia, we cannot say that the Second Amendment guarantees the right to keep and bear such an instrument. Certainly it is not within judicial notice that this weapon is any part of the ordinary military equipment or that its use could contribute to the common defense".

For the right to "ordinary military equipment" and other arms that "could contribute to the common defense," the court cited the decision of the Tennessee Supreme Court in *Aymette v. State* (1840), that "the arms, the right to keep which is secured [by Tennessee's constitution] are such as are usually employed in civilized warfare, and that constitute the ordinary military equipment. If the

citizens have these arms in their hands, they are prepared in the best possible manner to repel any encroachments upon their rights by those in authority."

Heller said, "We think that *Miller's* 'ordinary military equipment' language must be read in tandem with what comes after: '[O]rdinarily when called for [militia] service [able-bodied] men were expected to appear bearing arms supplied by themselves and of the kind in common use at the time.'"

However, that mischaracterizes *Miller*. The arms to which *Miller* said people have the right are those that have a "relationship to a well regulated militia."

Moreover, *Heller* didn't read *Miller* "in tandem." It gave weight only to *Miller's* comment about "common" arms, while rejecting *Miller's* and *Aymette's* endorsement of the right to arms relating to militia purposes, "ordinary military equipment," and other arms that "could contribute to the common defense."

Heller's mischaracterization of *Miller* is the first reason why "common" cannot be the standard for arms to which people have the right. "Common" is also vulnerable to deliberate misinterpretation. For example, while the percentage of gun owners who own an AR-15 is about the same as the percentage of drivers who own a Mercedes, judges who oppose the right to arms would likely rule that only Mercedeses are "common."

A second reason "common" cannot be the standard was noted by Justice Stephen Breyer in his dissent in *Heller*. He explained, "[T]he majority determines what regulations are permissible by looking to see what existing regulations permit. There is no basis for believing that the Framers intended such circular reasoning."

Breyer had in mind the majority's argument that fully automatic rifles, common in the military, could be banned because they aren't common among private individuals. The circularity is that they aren't common among private individuals because they

have been prohibitively taxed since 1934, banned in about half the states for almost as long, prohibited from importation since 1968, and banned from domestic manufacture since 1986.

A third reason is that the U.S. Framers didn't limit the right to "common" arms. For example, cannons, though not as common as handheld arms, weren't excluded from the Second Amendment. In protecting the right to arms for defense against tyranny, the Framers intended for the people to win.

For example, James Madison said: "Let a regular army . . . be at the devotion of the federal government. . . . [T]he State governments, with the people on their side, would be able to repel the danger."

A fourth, and the most important, reason was pointed out, but rejected by *Heller's* majority opinion, by the late Justice Antonin Scalia. Referring to fully-automatic rifles, Scalia wrote:

"It may be objected that if weapons that are most useful in military service . . . may be banned, then the Second Amendment right is completely detached from the [amendment's] prefatory clause. . . . But the fact that modern developments have limited the degree of fit between the prefatory clause and the protected right cannot change our interpretation of the right."

Although some laud *Heller* for recognizing an individual right to some arms, its false standard allows Congress and the states to ban arms they and the courts claim are not "common" or that are useful "in military service." As Breyer put it, "On the majority's reasoning, if tomorrow someone invents a particularly useful, highly dangerous self-defense weapon, Congress and the States had better ban it immediately, for once it becomes popular Congress will no longer possess the authority to do so."

Sometime this century, the government will be equipped with offensive and defensive handheld arms

and even more futuristic arms that will render firearms as obsolete for defense against tyranny as bows and arrows are today. While our troops should be equipped with the best equipment possible when fighting America's enemies, it requires little imagination to envision how extraordinary technologies, such as those developed by the Pentagon's Defense Advanced Research Projects Agency, could be misused against the American people.

In early April, U.S. District Court judge William Young ruled that *Heller's* endorsement of restrictions on fully automatic firearms permits Massachusetts to ban semi-automatic firearms and ammunition magazines that many firearms use. Other courts have upheld similar bans.

If Americans allow their rights to be choked in this manner, they could find themselves no longer in control of government, but rather at its mercy.

-- The Federalist May 9, 2018

When Seconds Count...Your 911 Operator May Hang Up On You

By Dan Zimmerman

An unconscious woman, a robbery in progress, cars racing on the interstate: All of these incidents led people to call Houston's 911 system — but not for long. These were among thousands of calls cut short by an operator who Harris County prosecutors said simply hung up. As gun owners point out, when seconds count, police are only minutes away.

Unless you're a Houston resident who drew Crenshanda Williams when you dialed 911, in which case it could be much longer.

"Ain't nobody got time for this. For real," Williams was recorded saying after ending a call from someone trying to report two cars driving at high speeds on Interstate 45 South, according to a 2016 report from KPRC TV.

Williams worked at the Houston Emergency Center for about a year and a half before she was fired in 2016.

When confronted with evidence that she was dumping emergency calls, Williams said she really didn't feel like talking to anyone at the moment.

Her attorney recently said, "She was going through a hard time in her life," according to the Houston Chronicle.

She was eventually charged with two counts of interfering with an emergency call. Yes, only two counts.

The criminal complaint says a March 12, 2016 call referenced a shooting/robbery homicide. "The first call came in... and was an immediate hang up by the defendant," says the complaint. The second call placed by the same number came in. The caller said, "This is a robbery," the complaint alleges.

Police could "then hear the defendant sigh before the call is terminated by the defendant," the complaint says. A third 911 call was taken by another call taker and the caller was "able to report that a man fired multiple (sic) during a robbery and people may be hurt," says the complaint.

The store owner, Zia Arfeen Seddiqui, 51, left behind four children and had a grandchild on the way, says ABC 13.

All of which just illustrates the point; carry a gun because a cop is too heavy.

-- www.thetruthaboutguns.com April 20, 2018

GunStreamer launches full-featured video sharing site in midst of tighter YouTube restrictions

Salt Lake City, UT - March 26, 2018 - In response to YouTube placing greater restrictions on content, GunStreamer launches new video-serving website as a haven to gun enthusiasts who are looking for a new platform.

According to the GunStreamer.com 'About Us' page:

GunStreamer is a user-generated video sharing site, featuring anything related to guns or weapons for informational and entertainment purposes.

"Changes in some platform policies are alienating a large population of gun & weapon enthusiasts," said Austin Roberts, Creator - GunStreamer. "These are hobbyists helping other hobbyists and they have nowhere to go with these greater restrictions. We're hoping to change that."

-- gunstreamer.com

Man Killed By Portland State University Officers Had Valid Concealed Carry Permit

By Ericka Cruz Guevarra

Jason Washington, the man killed by Portland State University officers Friday morning, had a valid concealed carry permit at the time of his death.

Keyaira Smith, a witness who took video of the moments leading up to Washington's death, told OPB that he was "trying to be a good Samaritan" by breaking up a fight.

Video footage shows what appears to be a black object attached to Washington's right side as he's seen pulling one man off another.

"The gun slipped out of the holster when he had fallen, and I think he may have tried to retrieve it," Smith said. "Then they said 'gun.'"

That's when police fired, she said.

-- www.opb.org June 30, 2018

Commentary:

* Avoid getting involved in someone else's conflict if you can do so

* Make sure your holster can hold your gun securely, even if you are knocked down or are rolling on the ground

* Avoid handling a firearm with police present. In this case, the CHP holder might still be alive if he had stepped on his gun to secure it rather than picking it up off the ground without first getting permission from the police to do so

-- VA-ALERT: VCDL Update 7/4/18

NEWS OUTLETS THAT FEATURE AND NAME MASS MURDERERS BORDER ON CRIMINALITY

THEY DON'T ADVANCE NEWS—
THEY ENCOURAGE COPYCATS

Media knows this, they've seen it, they've been warned by police, doctors, watchdogs

"But it increases our audience!"

Ethical Guideline: Don't Inspire Evil

"Refrain from gratuitous or repetitious portrayal of mass murderers' names and images."

Too many news outlets relish the chance to sink to the lowest common sensational interest. News sources displaying names and images of the most heinous mass murderers on page one are giving positive incentives to those murderers. Conferring fame upon murderers is not "news," it is a corrupt financial misuse of the public trust. Media outlets that profit from mass murder deserve scorn, boycotts and open recognition for their encouraging copycat murder and societal decay.

Police see how media encourages mass murderers and they oppose making killers famous. The

medical and psychological establishments recognize the effects and publish scientific papers denouncing the practice. The public sees what's going on, abandons the so-called "news" in droves, and loses trust in mainstream media. Meanwhile, mass-media reporters, editors and producers laugh, drink at their parties, rake in cash from useful idiots, and feign ignorance as audiences shrink, credibility evaporates and the public is revulsed. JPFO calls upon the Fourth Estate to wake up to their complicity in mass murder. Stop publicizing the names and faces of killers.-- Press release May 23, 2018, Jews for the Preservation of Firearms Ownership

How Do You Get Off the US "Kill List"?

By Marjorie Cohn

After the 9/11 attacks, the Bush administration created a secret "kill list" to step up the targeting of alleged terrorists for assassination. The criteria for inclusion on the list have apparently morphed over three presidential administrations, yet they remain elusive.

Last year, two journalists filed a federal lawsuit against Donald Trump and other high government officials, asking to be removed from the kill list until they have a meaningful opportunity to challenge their inclusion. Both men claim to have no association with al-Qaeda or the Taliban, to have no connection to the 9/11 attacks, and to pose no threat to the United States, its citizens, residents or national security.

Bilal Abdul Kareem, a US citizen and freelance journalist, has survived five attempts on his life from targeted air-strikes. A Turkish intelligence official told Kareem that the US government is trying to kill him.

Ahmad Muaffaq Zaidan, a citizen of Syria and Pakistan, is a senior journalist with Al Jazeera. He interviewed Osama bin Laden twice before the 9/11 attacks. Zaidan learned about his inclusion on the kill list from National Security Agency (NSA) documents leaked by Edward Snowden.

The NSA zeroed in on Zaidan as a result of a program called SKYNET. Ars Technica revealed that SKYNET — which uses an algorithm to gather metadata in order to identify and target terrorist suspects in Afghanistan, Pakistan and Somalia — would result in 99,000 false positives.

In their complaint filed in March 2017, Zaidan and Kareem

alleged they were included on the kill list as a result of algorithms used by the United States to identify terrorists.

At a May 1 hearing in the case, Judge Rosemary Collyer of the US District Court for the District of Columbia questioned the US government's assertion of authority to unilaterally kill US citizens abroad. Collyer repeatedly challenged government lawyers to explain why national security considerations outweigh a US citizen's inclusion on the kill list with no right to notice and an opportunity to respond.

"Are you saying a US citizen in a war zone has no constitutional rights?" Collyer asked Stephen Elliott, a Justice Department attorney. "If a US person is intentionally struck by a drone from the US, does that person have no constitutional rights to due process ... no notice, anything?....I'm very concerned about the rights of a US citizen who ... asserts that he is not a combatant, that he has not taken sides. He is just a journalist doing his job." -- Truthout May 29, 2018

The U.S. Army Is Turning to Robot Soldiers

By Justin Bachman

In the next evolution of combat, the U.S. Army is heading down a path that may lead humans off the battlefield entirely.

Over the next few years, the Pentagon is poised to spend almost \$1 billion for robots designed to complement combat troops. Beyond scouting and explosives disposal, these new machines will sniff out hazardous chemicals or other agents, perform complex reconnaissance and even carry a soldier's gear.

"Within five years, I have no doubt there will be robots in every Army formation," said Bryan McVeigh, the Army's project manager for force protection. He touted a record 800 robots fielded over the past 18 months.

The Pentagon has split its robot platforms into light, medium and heavy categories. In April, the Army awarded a \$429.1 million contract to two Massachusetts companies for small bots weighing fewer than 25 pounds. This spring, Endeavor Robotics also landed two contracts worth \$34 million from the Marine Corps for small and midsized robots.

In October, the Army awarded a \$158.5 million contract for more than 1,200 medium robots, called the Man-Transportable Robotic System, weighing less than 165 pounds. The

MTRS robot, designed to detect explosives as well as chemical, biological, radioactive and nuclear threats, is scheduled to enter service by late summer 2019. The Army plans to determine its needs for a larger, heavier class of robot later this year.

In Iraq and Afghanistan, the Defense Department amassed an inventory of more than 7,000 robots, with much of it designed to neutralize improvised explosive devices (IEDs).

The Army's current approach is to field inter-operable robots with a common chassis and standardized controllers for various platforms.

None of the current or planned U.S. infantry robots is armed—yet. Armed robots are hardly new, of course, with South Korea deploying sentry gun-bots in the demilitarized zone fronting North Korea and various countries flying drones equipped with a variety of weapons.

Yet, depending on one's perspective, machines that kill autonomously are either a harbinger of a "Terminator"-style dystopia or a logical evolution of warfare. This new generation of weaponry would be armed and able to "see" and assess a battle zone faster and more thoroughly than a human—and react far more quickly. What happens next is where the topic veers into a moral, perhaps existential, morass.

"It seems inevitable that technology is taking us to a point where countries will face the question of whether to delegate lethal decision-making to machines," said Paul Scharre, director of the technology and national security program at the Center for a New American Security.

Last year, 116 founders of robotics and artificial intelligence, including Elon Musk, the billionaire founder of Tesla Inc. and SpaceX, sent a letter to the United Nations urging a ban on lethal autonomous weapons, warning of a "Pandora's box" being opened with such systems.

While proponents may argue that autonomous robot soldiers will shield soldiers from harm, they will also remove the bloody consequences of armed conflict, a knowledge that "puts a valuable brake on the horrors of war," said Scharre, a former Army Ranger.

"There's a value of someone being able to appreciate the human consequences of war," he said. "A world without that could be potentially more harmful. If we went to war and no one slept uneasy at night, what does that say about us?" -- www.bloomberg.com May 18, 2018

Police chiefs implore Congress not to pass concealed-carry reciprocity gun law

By Tom Jackman

The nation's police chiefs are sending a letter to Congress opposing a bill that would allow gun owners with concealed-carry permits in one state to carry their concealed weapons in all 50 states.

The International Association of Chiefs of Police, representing 18,000 police departments across the U.S., targets the "Concealed Carry Reciprocity Act," which passed the House in December and is now assigned to the Senate Judiciary Committee.

"This legislation," the letter states, "is a dangerous encroachment on individual state efforts to protect public safety, and it would effectively nullify duly enacted state laws and hamper law enforcement efforts to prevent gun violence."

Different states have different criteria for issuing permits to carry concealed weapons. Some states require training and proof of proficiency, while some states require no qualifications. Some states recognize the permits of certain other states, but many do not. And a dozen states now have "constitutional carry," meaning weapons can be concealed without a permit.

The bill in Congress would require all states simply to recognize the permits of all other states, regardless of the conditions imposed by individual states for obtaining the permits.

The bill also allows visitors to national parks and other federal lands to carry concealed weapons, and it would let certain permit holders — off-duty or retired law enforcement officers — to carry concealed weapons in school zones.

When the bill passed the House by 231 to 198 in December, NRA lobbyist Chris W. Cox called it the "movement recognizing the right of all law-abiding Americans to defend themselves, and their loved ones, including when they cross state lines." House Majority Whip Steve Scalise (R-La.), the most seriously wounded victim of the Alexandria baseball field shooting last year, said that "concealed carry reciprocity will increase gun safety."

The main objection is that some states have devised strict requirements for concealed-carry

permits and do not want to defer to states that do not have similar rules.

The bill's chief sponsor is Rep. Richard Hudson (R-N.C.). In response to the police chiefs' letter, Hudson's spokeswoman, Tatum Gibson, noted that another group of law enforcement officers, the attorneys general of 24 states, also sent a letter to Congress supporting the bill. - washingtonpost.com/2018/04/19

How Often Do People Use Guns In Self-Defense?

By Samantha Raphelson

The only way to stop a bad guy with a gun is a good guy with a gun.

It's a common refrain touted by gun rights advocates, who argue that using guns in self-defense can help save lives.

But experts are divided over how often people actually use guns in self-defense. The numbers range from the millions to hundreds of thousands, depending on whom you ask.

The latest data show that people use guns for self-defense only rarely. According to a Harvard University analysis led by David Hemenway based on the National Crime Victimization Survey, people defended themselves with a gun in nearly 0.9 percent of crimes from 2007 to 2011.

But the research spread by the gun lobby paints a drastically different picture. One of the most commonly cited estimates of defensive gun uses, published in 1995 by criminologists Gary Kleck and Marc Gertz, concluded there are between 2.2 and 2.5 million defensive gun uses annually.

One of the main criticisms of this estimate is that researchers can't seem to find the people who are shot by civilians defending themselves because they don't show up in hospital records.

Kleck says there is no record of these gunshot victims because most instances of self-defense gun use are not reported.

"If you tell the police, I just wielded a gun pointing a deadly weapon at another human being and claimed it was in self-defense, the police may well arrest you and treat you as a criminal until and unless you are cleared."

On the flipside, Kleck says, criminals who were wounded also have no incentive to go to the emergency room because medical professionals have an obligation to tell the police. But

Hemenway points out that if people don't go to the hospital to treat the original gunshot wound, they will inevitably end up there "with sepsis or other major problems."

He also notes that part of the reason experts are so divided on the number is the difficulty in obtaining reliable survey data.

"The researchers who look at [Kleck's study] say this is just bad science," Hemenway says. "It's a well-known problem in epidemiology that if something's a rare event, and you just try to ask how many people have done this, you will get incredible overestimates."

Crime prevention researcher Philip Cook told The Washington Post that the percentage of people who told Kleck they used a gun in self-defense is similar to the percentage of Americans who said they were abducted by aliens. The Post notes that "a more reasonable estimate" of self-defense gun uses equals about 100,000 annually, according to the NCVS data.

Another problem is that there is no consensus on the definition of defensive gun use. Some incidents could involve illegal carrying or possession, or they could amount to aggravated assault.

Even if someone wanted to use a gun in self-defense, they probably wouldn't be very successful, says Mike Weisser, firearms instructor and author of the blog "Mike The Gun Guy." He says many people who carry a gun aren't properly trained to use it in this way. -- www.npr.org/2018/04/13

Unpublished CDC Study Confirms over 2 Million Annual Defensive Gun Uses

By AWR Hawkins

An unpublished Centers for Disease Control and Prevention (CDC) study confirms Florida State University criminologist Gary Kleck's findings of more than two million defensive handgun uses (DGUs) per year.

Since the early 1990s, Kleck has maintained that there is a minimum of 760,000 DGUs annually. That is his low estimate; Kleck and research partner Marc Gertz have contended the actual number is closer to 2.5 million.

Kleck reaffirmed his numbers on February 17, 2015, explaining that while plenty of naysayers have criticized his findings, none have been able to offer empirical evidence to counter them.

Now, a CDC study conducted on data from 1996, 1997, and 1998 has been uncovered. The study, which was never released to the public, shows approximately 2.46 million DGUs per year.

Kleck summarized the CDC findings:

"In 1996, 1997, and 1998, the Centers for Disease Control and Prevention (CDC) conducted large-scale national surveys asking about defensive gun use (DGU). They never released the findings, or even acknowledged they had studied the topic. I obtained the unpublished raw data and computed the prevalence of DGU. CDC's findings indicated that an average of 2.46 million U.S. adults used a gun for self-defense in each of the years from 1996 through 1998 – almost exactly confirming the estimate for 1992 of Kleck and Gertz (1995). Possible reasons for CDC's suppression of these findings are discussed."

On April 20, 2018, Reason magazine quoted Kleck's reaction to the unpublished CDC findings; he explained that a figure of 2.46 million DGUs a year "[implies] that guns were used defensively by victims about 3.6 times as often as they were used offensively by criminals."

-- www.breitbart.com April 21, 2018

March 2018 NICS Gun Background Checks Set New Record

The so-called "Trump Slump" in gun sales appears to be reversing; the FBI's National Instant Criminal Background Check System (NICS) processed a record number of background checks for the month of March.

According to the data, the NICS conducted a total of 2,767,699 checks in March 2018. That's the highest number of checks processed for March since the NICS was first introduced back in 1998.

The top five states for checks last month were Kentucky (421,247), Illinois (271,714), Texas (161,200), Florida (137,997) and California (136,228). A total of 781,452 checks for handguns were processed, while 540,979 long gun background checks were conducted.

Context: The FBI notes that these numbers don't represent the actual number of firearms sold. The numbers include concealed carry permit applications, license rechecks, pawns, redemptions, rentals and private sales. Nevertheless, the NICS numbers are

viewed as an accurate measurement of gun sales in the United States.

The increase in NICS checks comes in the aftermath of the Parkland shooting, which ignited calls for strict gun control legislation.

-- www.personaldefenseworld.com April 6, 2018

Hornady stands up to the State of New York

Today, the State of New York did one of the most despicable acts ever perpetrated by any state by asking New York banks, financial institutions and insurance companies to stop doing business with the gun and ammo industry.

While it may not make a difference to New York, Hornady will not knowingly allow our ammunition to be sold to the Government of the State of NY or any NY agencies. Their actions are a blatant and disgusting abuse of office and we won't be associated with a government that acts like that. They should be ashamed.

-Steve Hornady, president of Hornady Manufacturing Company

-- Press release April 23, 2018

Mixed Emotions over Oliver North Being Named as President of NRA

Jake Morphonios comments on Oliver North being named as the new president of the National Rifle Association. Morphonios recounts his boyhood as a staunch admirer and political supporter of North until after 9/11, at which time he became aware that North was a significant part of the military-industrial complex and had worked with the CIA to covertly import weapons to Iran as part of a scheme to illegally fund the CIA-created rebel force in Nicaragua. That force was called the Contras, and it was used to overthrow the Nicaraguan government. Oliver North also played a major role in running drugs from Central and South American drug cartels into the US as an additional means of funding the operation. [Although not mentioned in this video, North also was a key figure in creating a plan to build a computer data base of everyone who objected to this scheme with the intended purpose of using it to arrest and imprison them in the event of a threat to 'national security'. All in the name of patriotism, of course.] -GEG--

G. Edward Griffin www.needtoknow.news May 9, 2018

The NSA Continues to Abuse Americans by Intercepting Their Telephone Calls

By Ron Paul

One of the few positive things in the ill-named USA FREEDOM Act, enacted in 2015 after the Snowden revelations on NSA domestic spying, is that it required the Director of National Intelligence to report on its domestic surveillance activities. On Friday, the latest report was released. The news is not good at all if you value freedom over tyranny.

According to the annual report, the US government intercepted and stored information from more than a half-billion of our telephone calls and text messages in 2017. That is a 300 percent increase from 2016. All of these intercepts were "legal" under the Foreign Intelligence Surveillance Act (FISA), which is ironic because FISA was enacted to curtail the Nixon-era abuse of surveillance on American citizens.

Instead of assuming your privacy is protected by the US Constitution, you must assume that the US government is listening in to your communications. The ultimate triumph of totalitarian states was not to punish citizens for opposing its tyranny, but to successfully cause them to censor themselves before even expressing "subversive" thoughts.

We cannot celebrate our freedom or call ourselves an exceptional nation as long as we are under control of the kind of surveillance that would have turned the East German Stasi green with envy.

Our advanced technological age provides opportunities for surveillance that even the most enthusiastic Stasi operative could not have dreamed of. No longer does the government need to rely on nosy neighbors as informants. The NSA has cut out the middleman, intercepting our communications – our very thoughts – at the source. No one who calls himself an American patriot can be happy about this development.

Not even the President is safe from the surveillance state he presides over! According to a news report last week, federal investigators monitored the phone lines of President Trump's personal lawyer, Michael Cohen, even when he was speaking to his client – the president!

Edward Snowden did us all an enormous favor by risking it all to let

us know that our government had come to view us as the enemy to be spied on and monitored. If we are to regain the liberty that our Founders recognized was granted to us not by government, but by our Creator, we must redouble our efforts to fight against the surveillance state!

-- ronpaulinstitute.org May 7, 2018

Five dead in targeted attack at Capital Gazette in Annapolis

-- *Baltimore Sun* headline June 29, 2018

Commentary: Five people murdered. So much for Maryland's gun laws, which are the standard wishlist for gun-controllers: Universal Background Checks, "Assault Weapon" ban, "May Issue" concealed handgun permits and no open carry, "red flag" laws, magazine limits, extensive training required to own a handgun, gun rationing, etc., etc.

-- VA-ALERT: VCDL Update July 2, 2018

From "Probable Cause" to "Reasonable Suspicion": The Subversion of the Fourth Amendment

By Taru Taylor

The Fourth Amendment secures the citizen against any unreasonable search or seizure of their person or property. But what is "reasonable"? Before *Terry v. Ohio* (1968), the reasonableness of a police officer's seizure or search was defined by the magistrate's authority to issue a warrant on a showing of probable cause.

Terry redefined "reasonableness" in more subjective terms. Before 1968, police officers operated, at least in theory, with reference to the magistrate's authority. Ever since *Terry*, police officers have had the despotic discretion to search or seize any US citizen based on a "reasonable suspicion" that they are a criminal or are about to commit a crime.

The *Terry* paradigm allows police officers to operate by their own standard of reasonableness — "reasonable suspicion." By coining the phrase, the Supreme Court put its

imprimatur on circular reasoning. Much as the doctrine of "papal infallibility" deemed the pope incapable of error when teaching on certain matters of faith or morals, "reasonable suspicion" sanctioned a sort of police infallibility. Police officers, especially when making "split-second decisions," now arbitrarily determine what is reasonable within the meaning of the Fourth Amendment.

The American Revolution was largely a reaction against Redcoats policing colonists as if they were all suspects. For example, the Crown imposed writs of assistance on Massachusetts to crack down on smuggling. Writs of assistance were general warrants permitting customs officials to enter any office or home without notice or probable cause. James Otis resigned his position as advocate general of the Admiralty Court in protest. He then challenged the legality of these writs in terms of the maxim: "Every man's house is his castle." Otis inspired the Fourth Amendment's later codification of the castle doctrine and the need for probable cause.

Justice William O. Douglas invokes Otis in his *Terry* dissent to suggest an analogy between the Redcoats' oppression of the colonists and the likelihood of post-*Terry* police oppression thanks to "reasonable suspicion." What Otis argued against in 1765, Douglas dissented against in 1968 — police arresting and searching on suspicion because unchecked by probable cause. Douglas saw the unraveling of the Fourth Amendment as a matter of history repeating itself. He wrote: "Police control took the place of judicial control, since no showing of 'probable cause' before a magistrate was required."

Douglas wrote: "To give the police greater power than a magistrate is to take a long step down the totalitarian path."

-- truthout.org April 17, 2018

New U.S. Army Facial Recognition Tech Works in the Dark

By Patrick Hunter

It's no mean feat for a computer to identify an individual's face in daylight. The process involves precisely measuring a photograph — eye size, distance from nose to mouth, etc. — adjusting the distances for three dimensions, and searching a database for a match. But to do it at night, when all you have is far lower-resolution thermal images, the Army Research Lab used a technique that allows software to mimic the human brain, which uses several times more neuronal mass to construct images from visual data than the eye does collecting the data.

The method that the researchers use breaks a thermal picture of a face into specific regions and then compares them to an optical image of the same face. The network estimates where key features are in the thermal image in relation to the conventional image. The network's final product is something like a police sketch — not a perfect match, but with enough overlap in key points to make a high-certainty match.

In a paper published by the IEEE Winter Conference on Applications of Computer Vision, the researchers write, "We were able to produce highly discriminative representations. Despite the fact that the synthesized imagery does not produce a photo-realistic texture, the verification performance achieved was better than both baseline and recent approaches when matching the synthesized faces with visible face." -- Technocracy News and Trends April 17, 2018

Technocrats at DARPA have been working on this project for several years and have apparently found success. As this technology makes its way into law enforcement and other surveillance situations, darkness will no longer provide any protection. - TN Editor

NJM, P.O. Box 10176, Trenton New Jersey 08650

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Back issues, from 1997 to date, can be found online. Just go to: <https://archive.org/> and in the Search Field, type in "New Jersey Militia Newsletter". So grab the PDFs and pass them around via email to others who have never seen the hard copies.

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